



UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,) 2:16-CR-090-APG-(GWF)
)
Plaintiff,)
)
v.) Final Order of Forfeiture
)
ROBERT W. BARNES,)
)
Defendant.)

The United States District Court for the District of Nevada entered a Preliminary Order of Forfeiture pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2); Title 18, United States Code, Section 981(a)(1)(C) with Title 28, United States Code, Section 2461(c); Title 18, United States Code, Section 982(a)(7); and Title 21, United States Code, Section 853(p) based upon the plea of guilty by defendant Robert W. Barnes to the criminal offense, forfeiting the property and imposing an in personam criminal forfeiture money judgment set forth in the Plea Agreement and the Forfeiture Allegations of the Criminal Information and shown by the United States to have the requisite nexus to the offense to which defendant Robert W. Barnes pled guilty. Criminal Information, ECF No. 4; Plea Agreement, ECF No. 6; Arraignment and Plea, ECF No. 9; Preliminary Order of Forfeiture, ECF No. 12.

This Court finds the United States of America published the notice of forfeiture in accordance with the law via the official government internet forfeiture site, www.forfeiture.gov, consecutively from June 20, 2016, through July 19, 2016, notifying all potential third parties; and notified known third parties by personal service or by regular mail and certified mail return

1 receipt requested, of their right to petition the Court. Notice of Filing Proof of Publication, ECF
2 No. 16.

3 On July 8, 2016, the United States Marshals Service personally served Hutchison &
4 Steffen, LLC, as Registered Agent for Epiphany Surgical Solutions, LLC, with copies of the
5 Preliminary Order of Forfeiture and the Notice. Notice of Filing Service of Process – Personal
6 Service, ECF No. 14.

7 On July 6, 2016, the United States Marshals Service personally served William D. Smith,
8 M.D., as Managing Member for Epiphany Surgical Solutions, LLC, with copies of the
9 Preliminary Order of Forfeiture and the Notice. Notice of Filing Service of Process – Personal
10 Service, ECF No. 14.

11 On July 6, 2016, the United States Marshals Service personally served William D. Smith,
12 M.D., as Managing Member for Flamingo-Pecos Surgery Center, LLC, with copies of the
13 Preliminary Order of Forfeiture and the Notice. Notice of Filing Service of Process – Personal
14 Service, ECF No. 14.

15 On July 6, 2016, the United States Marshals Service personally served Charles H.
16 Tadlock, M.D., as Managing Member for Epiphany Surgical Solutions, LLC, with copies of the
17 Preliminary Order of Forfeiture and the Notice. Notice of Filing Service of Process – Personal
18 Service, ECF No. 14.

19 On July 6, 2016, the United States Marshals Service personally served Charles H.
20 Tadlock, M.D., as Managing Member for Flamingo-Pecos Surgery Center, LLC, with copies of
21 the Preliminary Order of Forfeiture and the Notice. Notice of Filing Service of Process –
22 Personal Service, ECF No. 14.

23 On July 12, 2016, the United States Marshals Service personally served Gregory J.
24 Morris, Ltd., as Registered Agent for VIP Surgery Center LLC, with copies of the Preliminary
25 Order of Forfeiture and the Notice. Notice of Filing Service of Process – Personal Service, ECF
26 No. 14.

1 On July 6, 2016, the United States Marshals Service personally served Eddy H. Luh, as
2 Managing Member for VIP Surgery Center LLC., with copies of the Preliminary Order of
3 Forfeiture and the Notice. Notice of Filing Service of Process – Personal Service, ECF No. 14.

4 On July 6, 2016, the United States Marshals Service personally served Thomas C. Yee, as
5 Managing Member for VIP Surgery Center LLC., with copies of the Preliminary Order of
6 Forfeiture and the Notice. Notice of Filing Service of Process – Personal Service, ECF No. 14.

7 On July 12, 2016, the United States Marshals Service personally served Lottie Barnes,
8 with copies of the Preliminary Order of Forfeiture and the Notice. Notice of Filing Service of
9 Process – Personal Service, ECF No. 14.

10 On July 8, 2016, the United States Marshals Service personally served Michelle Barnes
11 with copies of the Preliminary Order of Forfeiture and the Notice. Notice of Filing Service of
12 Process – Personal Service, ECF No. 14.

13 On June 28, 2016, the United States Attorney's Office served Charles Tadlock, M.D., as
14 Managing Member for Flamingo-Pecos Surgery Center, LLC and Epiphany Surgical Solutions,
15 LLC, with copies of the Preliminary Order of Forfeiture and the Notice through regular mail and
16 certified mail, return receipt requested. Notice of Filing Service of Process – Mailing, ECF No.
17 13.

18 This Court finds no petition was filed herein by or on behalf of any person or entity and
19 the time for filing such petitions and claims has expired.

20 This Court finds no petitions are pending with regard to the property named herein and
21 the time for presenting such petitions has expired.

22 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that all
23 right, title, and interest in the property hereinafter described is condemned, forfeited, and vested
24 in the United States of America:

- 25 1. 2007 Honda Accord EX Gray 4D Sedan, VIN 1HGCM56857A164507, Nevada
26 License Plate 452WVU;

2. 2011 EXP Limited 5.4L 4X4 Ford Expedition, Color: Sterling Gray Metallic, VIN 1FMJU2A53BEF36389, Nevada License Plate 929VJR;
3. 14k white gold cluster stud earrings with four princess cut diamonds surrounded by 16 round diamonds;
4. Ladies stainless steel Breitling Lady Colt A72345 Watch with blue Mother of Pearl dial, diamond bezel (28 diamonds), Serial No. 386210;
5. Ladies 14k white gold ring centered with one rectangle blue Tourmaline with 45 diamonds;
6. Ladies Tanzanite (approx. 40 carats) platinum ring with 152 brilliant diamonds;
7. Ladies 14k white gold with violetish red Garnet surrounded by 74 brilliant diamonds;
8. Ladies platinum oval shaped bluish green Tourmaline with 92 brilliant diamonds;
9. Ladies 14k white gold ring, pear shaped cabochon cut black opal with blue play of color and 50 diamonds;
10. Movado Womans watch with black in color face;
11. Tag Heuer lady's Watch silver in color;
12. Gucci Watch gold in color;
13. Necklace, silver in color, with Tiffany pendant heart shaped;
14. Necklace, silver in color, with floral design pendant;
15. Bracelet gold in color with green in color stones;
16. Bracelet gold in color appeared to be broken at time of seizure;
17. Bracelet clear stone type;
18. Pair of Earrings with green in color stones;
19. Metal ring, yellow in color with green in color stones;
20. Pair of Earrings tear drop shaped;
21. Pair of Earrings heart shaped;

22. Braided necklace, yellow in color;
23. Ring, silver in color with clear stones;
24. Pair of Earrings flower shaped;
25. Ring, silver in color with clear stones;
26. Pair of Earrings hoop shaped yellow in color;
27. Pair of Earrings, yellow in color with round white in color stones;
28. Thick Bracelet yellow in color;
29. Pair of Earrings, yellow in color;
30. Three (3) rings, yellow in color: One (1) with clear type stones, Two (2) with heart shaped designs;
31. Ring, white in color with clear stones;
32. Two (2) Rings yellow in color with blue in color stones;
33. Ring, yellow in color with green in color stone;
34. Ring, heart shaped with clear stones;
35. One (1) Ring yellow in color with white in color stones;
36. Five Bracelets: Two (2) yellow in color; Two (2) yellow in color with name plates on them "Lucas" and "Joshua"; One (1) yellow in color with green stones;
37. Necklace, white in color;
38. Necklace, white in color with tear drop pendant;
39. One (1) Necklace, white in color with pink in color stone; One (1) pair of earrings with pink in color stones;
40. One (1) round pendant yellow in color; and
41. Pair of Earrings, orange in color

(all of which constitutes property); and

that the United States recover from Robert W. Barnes the in personam criminal forfeiture money judgment of \$1,300,000, not to be held jointly and severally liable with any codefendants,

1 and that the property will be applied toward the payment of the money judgment; and the
2 forfeiture of the money judgment and the property is imposed pursuant to Fed. R. Crim.
3 P. 32.2(b)(4)(A) and (B); Fed. R. Crim. P. 32.2(c)(2); Title 18, United States Code, Section
4 981(a)(1)(C) with Title 28, United States Code, Section 2461(c); Title 18, United States Code,
5 Section 982(a)(7); Title 21, United States Code, Section 853(p); and Title 21, United States
6 Code, Section 853(n)(7); that the money judgment shall be collected; and that the property and
7 the collected amount shall be disposed of according to law.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any and all forfeited
9 funds, including but not limited to, currency, currency equivalents, certificates of deposit, as well
10 as any income derived as a result of the United States of America's management of any property
11 forfeited herein, and the proceeds from the sale of any forfeited property shall be disposed of
12 according to law.

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send copies
14 of this Order to all counsel of record and three certified copies to the United States Attorney's
15 Office, Attention Asset Forfeiture Unit.

16 DATED this 28th day of December, 2016.

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19 UNITED STATES DISTRICT JUDGE
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